

## Education & Development

### CJER BENCHTIPS

### Ordering the Use of Technology in Discovery

Judges now have the discretion under Code of Civil Procedure section 2017(e) to order the use of technology for discovery purposes in complex cases. The provisions of the new statute do not diminish the rights and duties of the parties regarding discovery, privileges, procedural rights, or substantive law.

Before ordering the use of electronic media, the judge must find that they:

- ❑ Promote cost-effective and efficient discovery or related discovery motions;
- ❑ Do not impose or require undue expenditures of time or money;
- ❑ Do not create an undue economic burden or hardship for any person;
- ❑ Promote open competition among vendors and providers of services to facilitate the highest quality of service at the lowest reasonable cost to the litigants; and
- ❑ Do not require parties or counsel to purchase exceptional or unnecessary services, hardware, or software.

Subject to these findings, “technology” may include but is not limited to telephone, e-mail, CD-ROM, Internet Web sites, electronic documents, electronic document depositories, Internet depositions and storage, videoconferencing, and other electronic applications that may be used to improve communication and the discovery process. In multiple-party cases, some courts have used a Web site to enable parties to upload and store scanned document images. These images can be viewed and printed by any other party. During hearings or depositions, the images can be projected onto a large screen for enhanced viewing. The Web site can also be used for case management and calendar control and for posting court orders.

The judge’s orders may require the parties to conduct and maintain discovery via electronic media and electronic communication. The orders may also prescribe procedures for the service of requests for discovery and responses, service and presentation of motions, production, storage, and access to information in electronic form.

● For more information, see the 2002 update to CJER’s *California Judges Benchbook: Civil Proceedings—Before Trial*, Section 2.135A. Judges can obtain copies of the book and the update at no charge by contacting Kathy Pearce, 415-865-7805; e-mail: kathy.pearce@jud.ca.gov.

## RESOURCES

### Council Updates Conservator Handbook

The Judicial Council in July published a newly revised handbook that explains what is expected of conservators and where they can obtain assistance.

The 2002 *Handbook for Conservators* provides an overview of conservatorships and covers specific topics such as the role of the probate court, temporary conservatorships, limited conservatorships, caring for a conservatee’s personal needs, and managing finances.

The council developed the handbook for use by private conservators statewide under Probate Code sections 1834–1835. However, the authors caution that it is not a do-it-yourself book and suggest that an attorney’s guidance may be necessary at various times during a conservatorship. They use an “L” symbol to emphasize situations that may require a lawyer’s advice.

The original edition of the handbook was published in 1992 with help from the council’s former Advisory Committee on Conservatorships. The new edition, based on information available as of July 2002, was produced in collaboration with the council’s Probate and Mental Health Advisory Committee, judges, commissioners, probate court staff members, private attorneys, and professional conservators.

Courts can order copies of the *Handbook for Conservators* from the State of California’s Department of General Services by calling 916-375-4400. Others interested in the book should contact their local superior courts. In addition, the handbook is available for viewing on the California courts’ public Web site at [www.courtinfo.ca.gov/reference/](http://www.courtinfo.ca.gov/reference/).

● For more information, contact Douglas Miller in the AOC’s Office of the General Counsel, 415-865-7535; e-mail: douglas.miller@jud.ca.gov.

### New Site for State Grant Information

Finding grant funding in California just got easier.

The State of California recently unveiled its new grants portal. GetGrants! is an electronic clearinghouse for all state grant opportunities, including those administered by the Administrative Office of the Courts (AOC). Computer users now need visit only one site to identify all the State of California agency grant sources.

Visitors to the GetGrants! portal can view grant opportunities by state agency or by grant program name. Contact information and available URLs are provided. In addition, the site contains a glossary of grant terminology.

The Governor’s Office for Innovation in Government (IIG) is coordinating the GetGrants! initiative. IIG plans to enhance the site by installing a key-word search function as well as a Web-enabled preapplication process that will equip the grant-making agencies to electronically screen applicants before the formal proposal process. IIG also has plans to add city, county, and federal grant program information to the portal.

● To visit the GetGrants! portal, go to [www.iig.ca.gov/projects/grantsum.shtml](http://www.iig.ca.gov/projects/grantsum.shtml). For more information, contact Martha Wright, AOC Grant Development Specialist, 415-865-7649; e-mail: martha.wright@jud.ca.gov.

### Binder Keeps Current on Court Management Law

California’s judicial branch is keeping its court executives and judges up to date on legal case outcomes that affect court management.

The Administrative Office of the Courts’ Office of the General Counsel (OGC) in April presented the courts with updates for *California Cases Concerning Judicial Administration*. This reference binder summarizes cases that are of interest to court leaders with administrative responsibilities. As a whole, it chronicles cases affecting court administration as far back as July 1, 1995.

The most recent addition to the binder summarizes 74 cases decided between January and December 2001. The cases address issues such as confidentiality of court information, wiretap orders, labor relations, and physical restraint of a defendant. Significant cases include *Foxgate Homeowners’ Association v. Bramalea California*, in which the California Supreme Court held that a court may not permit confidential mediation commu-

nications to be revealed, even for the purpose of considering sanctions for conduct that occurred during the mediation, and *Pack v. Kings County Human Services Agency*, which upheld the authority of the juvenile court to restrict or deny access to the dependency records of a deceased child when disclosure would be detrimental to another child connected to the case.

The abstracts do not include cases currently under review by the California Supreme Court. OGC will include abstracts of those cases in future updates, after the Supreme Court has issued its decisions. In addition, OGC will continue to monitor developments related to these and other cases of interest to court administrators. The contents of the binder and all updates will be posted to the secure courts Web site at <http://serranus.courtinfo.ca.gov/reference/>.

● For more information on the binder, contact Janet Grove, Office of the General Counsel, 415-865-7702; e-mail: janet.grove@jud.ca.gov. Requests for additional copies should be directed to Nicole Davis, 415-865-7699; e-mail: nicole.davis@jud.ca.gov.

### ¿Qué Sucede en la Corte?

The Administrative Office of the Courts’ Center for Families, Children & the Courts (CFCC) recently published a Spanish version of *What’s Happening in Court? An Activity Book for Children Who Are Going to Court in California*.

Whether children are in court because they are witnesses, visitors to the courthouse, or involved in a case, this book is a teaching tool that can foster conversations between them and adults about the court system, and an activity book that gives them something to do while they wait in the courthouse.

The book introduces children to the court processes in which they are or could be involved, the people who work in the judicial system, and the vocabulary that surrounds judicial proceedings. Depending on age, ability, and interests, children may look at and color the pictures, read the text, play the games, or do the activities. More than 200,000 children have received the English version of the book since its publication in 1999.

The U.S. Department of Health and Human Services provides the funding that enables the distribution of *¿Qué Sucede en la Corte?* at no charge.

● To receive copies of the book, contact CFCC, 415-865-7739; e-mail: cfcc@jud.ca.gov. Both the Spanish and English versions may also be downloaded at [www.courtinfo.ca.gov/programs/children.htm](http://www.courtinfo.ca.gov/programs/children.htm). ■







The California courts' public Web site at [www.courtinfo.ca.gov/](http://www.courtinfo.ca.gov/) and Serranus, the courts' secure site, at <http://serranus.courtinfo.ca.gov/> continually add information to keep the public and the courts up to date on judicial programs and resources. Following are recent additions.

#### Jury's In

A Web slide show is the next best thing to the juror orientation video *Ideals Made Real*, which is playing in jury assembly rooms around the state. See the slide show at [www.courtinfo.ca.gov/jury/video1.htm](http://www.courtinfo.ca.gov/jury/video1.htm). You can also reach it from the site's recently updated Jury section at [www.courtinfo.ca.gov/jury/](http://www.courtinfo.ca.gov/jury/).

#### Click on Court Stats

View individual court and statewide caseload statistics for fiscal year 2000–2001, as well as 10-year trend data, in the new *2002 Court Statistics Report* at [www.courtinfo.ca.gov/reference/1\\_annualreport.htm#CourtStatistics](http://www.courtinfo.ca.gov/reference/1_annualreport.htm#CourtStatistics).

#### Don't Touch That Dial

AOC-TV is the judicial branch's new satellite network, with downlink locations at all California courts. Check broadcast times, viewing locations, and more at <http://serranus.courtinfo.ca.gov/programs/aocTV/>.

## Court Briefs

### CORRECTIONS

In the May–June 2002 issue, *Court News* reported that, with assistance from ea consulting, inc., the Administrative Office of the Courts (AOC) is designing an electronic financial system for the state's trial courts using SAP, a financial software developed at MIT. SAP is actually the name of the software vendor with which the AOC is contracting.

In the Milestones section of the May–June 2002 issue, *Court News* stated that upon his retirement Superior Court of Los Angeles County Judge Leslie W. Light had spent more time on the bench—32 years—than any of his colleagues. According to the Judges Retirement System, the longest-serving active judge or justice in the state is Presiding Justice Mildred L. Lillie, Court of Appeal, Second Appellate District. She will have served 55 years this year, having been appointed to the Los Angeles Municipal Court in 1947.

The longest-serving active judge in California is Superior Court of Santa Barbara County Judge Joseph Lodge. Judge Lodge was elected to the Goleta Justice Court in 1958. Because he has no plans to retire, colleagues and friends have decided to have an "in lieu of retirement" event for Judge Lodge on September 26. At that time he will have been on the bench for 44 years.

### San Diego Court Exec Retires

Stephen Thunberg's impending retirement has opened the position of executive officer at the Superior Court of San Diego County.

Mr. Thunberg joined the court as its executive officer in May 1999, after two years as director of the county Department of Public Works and 19 years as the administrator of the former South Bay Municipal Court.

The San Diego court is conducting a national search through September for a replacement. Mr. Thunberg will continue to serve on an interim basis until the new executive officer is hired.

### DUI Case Heard At Local School

On April 23 Superior Court of Santa Clara County Judge Randolph Rice held an authentic DUI trial before approximately 340 students in the Los Gatos High School auditorium.

The high school was chosen as the site of the trial in an effort to reduce community alcohol problems and improve traffic safety. Students had an opportunity to witness the consequences of drinking and driving and to learn more about the judicial system.

At the end of the trial, Judge Rice made a brief presentation. He then co-facilitated an interactive civics lesson that allowed for significant dialogue and feedback among students, teachers, the defendant, the judge, attorneys, witnesses, and law enforcement officials.

The event was a cooperative project of the court, the Office of the District Attorney, the Office of the Public Defender, Los Gatos/Saratoga Union High School District, and Santa Clara Valley Health & Hospital System/Public Health Department.

The DUI proceeding at Los Gatos High School is the second trial in Santa Clara County to be held at a venue other than a courtroom. It is being evaluated as a prototype for a year-round countywide "court in the schools" program.

● For more information, contact Debra F. Hodges, Superior Court of Santa Clara County, 408-299-3232. ■

## MILESTONES

The Santa Clara County Trial Lawyers Association named **Superior Court of Santa Clara County Judge Leslie C. Nichols** its Judge of the Year.

Judge Nichols received the award for his judicial temperament, having earned a reputation among lawyers as a "serious, hardworking, and thoughtful jurist." Appointed to the bench in 1984, he is currently assigned to the court's civil division.

The Juvenile Court Judges of California honored **Superior Court of Santa Clara County Commissioner Kristine Mackin McCarthy** with its Juvenile Court Judge of the Year award.

Commissioner McCarthy was recognized as one of California's leading judicial educators and innovators in juvenile dependency court. Before her appointment as a juvenile court commissioner in 1990, she served the court as a referee.

The California Judges Association changed its leadership for the first time in 19 years when **Keenan G. Casady** became its executive director on July 1, upon the retirement of Connie Dove.

Mr. Casady, who has been an administrator in both California and federal courts for more than 25 years, began his judicial career as a court management analyst with the Administrative Office of the Courts. He became the clerk of the Fourth District of the Court of Appeal, in San Diego, before joining the federal system as a court executive for the U.S. District Court in Florida. He then returned to California to become the clerk and chief administrative officer for the U.S. Bankruptcy Court, Northern District of California, a post he held until 2001.

The California Women Lawyers' Association honored **Superior Court of Los Angeles County Judge Fumiko Hachiya Wasserman** with its Joan Dempsey Klein Distinguished Jurist Award.

Judge Wasserman was recognized for excellence on the bench and for her long-term efforts to eliminate gender bias in, and provide increased access to, the courts. She has been on the bench in Los Angeles County since 1986.

**Melissa Fowler-Bradley**, assistant court executive officer of the Superior Court of Shasta County since 1995, graduated as a fellow from the Institute of Court Management's (ICM) Court Executive Development Program. ICM is a division of the

National Center for State Courts.

ICM fellows include state and federal court administrators, court clerks, fiscal officers, technology managers, judicial educators, officers of national court associations, and other judicial leaders working in courts in 47 states and the District of Columbia, Guam, Canada, and other nations. The Court Executive Development Program provides training in leadership and judicial administration. To graduate from the program, applicants must complete six courses in court operations, a three-week seminar, an independent court study project and report, and a concluding one-week seminar.

The U.S. State Department and the J. William Fulbright Foreign Scholarship Board awarded **Superior Court of San Diego County Judge Victor E. Bianchini** a grant to teach Eritrean judges and prosecutors about mediation and the American justice system. In the 1990s Eritrea declared its independence from Ethiopia and asked for assistance in creating codes for legal fields such as commercial law.

Established in 1946 by legislation introduced by the late Senator J. William Fulbright of Arkansas, the Fulbright program helps build mutual understanding between the United States and the rest of the world. Judge Bianchini is one of approximately 800 scholars who are teaching through the program. The recipients of the grant awards are chosen on the basis of academic or professional achievement and leadership in their respective fields.

Judge Bianchini began his career on the bench in San Diego County in 1982. He serves on the faculty of the National Judicial College and as an adjunct professor at both Thomas Jefferson School of Law and National University. ■

### Historic appointment



Presiding Judge Juan Ulloa looks on as Annie M. Gutierrez is formally installed in June as the Superior Court of Imperial County's first female judge. An Imperial County native, and an assistant U.S. attorney for the Southern District of California since 1995, Judge Gutierrez was appointed to fill the unexpired term of retired Judge Roger Benitez. *Photo: Courtesy of the Superior Court of Imperial County*



# Judicial Appointments

The Governor announced the following judicial appointments in May and June 2002.

## COURTS OF APPEAL

**Gene M. Gomes**, Superior Court of Fresno County, to Associate Justice of the Court of Appeal, Fifth Appellate District, filling a newly created position.

## SUPERIOR COURTS

**Jerilyn L. Borack**, Superior Court of Sacramento County, succeeding James Ford, retired.

**Raymond M. Cadei,**  
Superior Court of Sacramento  
County, succeeding Faith Geog-  
hegan, retired.

**Theresa J. Canepa**, Superior Court of Contra Costa County, filling a newly created position.

**Timothy M. Frawley,**  
Superior Court of Sacramento  
County, succeeding John Lewis,  
retired.

**Amy D. Hogue**, Superior Court of Los Angeles County, succeeding Elva Soper, retired.

**Russell L. Hom**, Superior Court of Sacramento County, succeeding Rudolf Loncke, retired.

**Elizabeth Humphreys,**  
Superior Court of San Joaquin  
County, succeeding Sandra  
Smith, retired.

**Gregory Keosian**, Superior Court of Los Angeles County, succeeding Patrick Couwenberg.

**Michael R. Libutti** (winner of March 5 election), Superior Court of San Bernardino County, succeeding Lou Glazier, retired.

**David Oberholtzer**, Superior Court of San Diego County, succeeding Judith McConnell, appointed to the Court of Appeal, Fourth Appellate District.

**Charles F. Palmer, Su-**

perior Court of Los Angeles County, succeeding Kurt J. Lewin, retired.

**Marcel B. Poche**, Superior Court of Santa Clara County, succeeding LaDoris Cordell, retired.

**Elisabeth Sichel**, Superior Court of Riverside County, succeeding Victor Miceli, retired.

**Zaven V. Sinanian**, Superior Court of Los Angeles County, succeeding David Perez, retired.

**Patrick E. Tondreau,**  
Superior Court of Santa Clara  
County, succeeding John Ball,  
retired.

**Marie S. Weiner**, Superior Court of San Mateo County, succeeding Linda Marino Gemello, appointed to the Court of

**Appeal, First Appellate District.**

**Gloria L. White-Brown,**  
Superior Court of Los Angeles  
County, succeeding Laurence D.  
Rubin, appointed to the Court of  
Appeal, Second Appellate District.

## COURT EXECUTIVE APPOINTMENTS

**Barbara J. Fox**, Superior Court of Santa Cruz County, succeeding Christine Patton.

**Denise Gordon**, Superior Court of Sonoma County, succeeding Greg Abel.

**Michael A. Tozzi**, Superior Court of Stanislaus County, succeeding Don Lundy, who resumes the role of assistant executive officer (since court consolidation, the two switch positions every year). ■

## BY SUBJECT

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photo: William A. Porter



## Spread the News

Tell *Court News* about innovative programs and services at your court so that we can share your experience with your colleagues.

Send the information via mail to Blaine Corren, *Court News*, Administrative Office of the Courts, 455 Golden Gate Avenue, San Francisco, CA 94102-3660, phone: 415-865-7449, fax: 415-865-4334, or e-mail: [blaine.corren@jud.ca.gov](mailto:blaine.corren@jud.ca.gov).

# Calendar

### CONFERENCES

JUL 28–AUG 1	Conference of Chief Justices Annual Meeting, Rockport, Maine
AUG 15–16	Juvenile Delinquency and the Courts, Berkeley
SEP 9–13	Judicial Administration Institute of California (JAIC), Sacramento
OCT 9–10	2002 Judicial Branch HR Conference, Universal City
OCT 11–13	California Judges Association Annual Meeting, Newport Beach
OCT 12–14	Superior Court Clerks' Association Annual Conference, Riverside

### JUDICIAL COUNCIL MEETINGS

All Judicial Council business meetings will be held at the Administrative Office of the Courts in San Francisco unless otherwise noted.

AUG 30 NOV 1

- Contact: Secretariat, 415-865-7640; e-mail: [jcservices@courtinfo.ca.gov](mailto:jcservices@courtinfo.ca.gov). Judicial Council meeting information is also posted on the California Courts Web site at [www.courtinfo.ca.gov/courtadmin/jc/](http://www.courtinfo.ca.gov/courtadmin/jc/).

### EDUCATION

AUG 11–17	Continuing Judicial Studies Program, San Diego
SEP 9–13	Orientation Program for New Trial Court Judges, Commissioners, and Referees, San Francisco
SEP 10	Qualifying Ethics Program, Fresno
SEP 26	Qualifying Ethics Program, Los Angeles
SEP 30–OCT 4	Orientation Program for New Trial Court Judges, Commissioners, and Referees, San Francisco
SEP 30–OCT 4	Court Staff Institute, San Luis Obispo
OCT 10	Qualifying Ethics Program, Orange
OCT 16–18	Assigned Judges Institute, San Mateo
OCT 17	Qualifying Ethics Program, San Francisco
OCT 23–25	Appellate Judicial Attorneys Institute, Anaheim
OCT 24–25	Computer Class for Judges, San Francisco
OCT 30	Qualifying Ethics Program, Los Angeles
OCT 30–NOV 1	Presiding Judges & Court Executive Officers Orientation and Court Management Program, San Francisco

Note: Computer class students must possess a Serranus identification number to participate.

- Contact: CJER, 415-865-7745.

### AOC-TV GUIDE

AUG 6, 9:00–10:00 a.m., Orientation to the Judicial Branch  
 AUG 13, 9:00–10:00 a.m., Orientation to the Judicial Council and the AOC  
 AUG 20, 9:00–10:00 a.m., First Impressions: Communication in the Courthouse  
 AUG 27, 9:00–10:00 a.m., First Impressions: Communication in the Courthouse  
 SEP 3, 9:00–10:00 a.m., Orientation to the Judicial Branch  
 SEP 10, 9:00–10:00 a.m., Innovation in the Courts  
 SEP 17, 9:00–10:30 a.m., Supervisors' Edition: Sexual Harassment Awareness and Prevention, Part I  
 SEP 17, 3:00–4:30 p.m., Supervisors' Edition: Sexual Harassment Awareness and Prevention, Part I  
 SEP 24, 9:00–10:30 a.m., Staff Edition: Sexual Harassment Awareness and Prevention  
 SEP 24, 3:00–4:30 p.m., Staff Edition: Sexual Harassment Awareness and Prevention

OCT 1, 9:00–10:00 a.m., Orientation to the Judicial Branch  
 OCT 8, 9:00–10:00 a.m., Innovation in the Courts  
 OCT 15, 9:00–10:30 a.m., Supervisors' Edition: Sexual Harassment Awareness and Prevention, Part II  
 OCT 15, 3:00–4:30 p.m., Supervisors' Edition: Sexual Harassment Awareness and Prevention, Part II  
 OCT 22, 9:00–10:30 a.m., Staff Edition: Sexual Harassment Awareness and Prevention  
 OCT 22, 3:00–4:30 p.m., Staff Edition: Sexual Harassment Awareness and Prevention  
 OCT 30, 9:00–10:30 a.m., Continuing the Dialogue

(Broadcast times are subject to change.)

- For more information, contact Jay Harrell, 415-865-7753; e-mail: [jay.harrell@jud.ca.gov](mailto:jay.harrell@jud.ca.gov).



## COURT NEWS

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